

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 28, 1997**

DIVISION ONE

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B100116 People v. Faucett (Not for Publication)

The judgment is affirmed, and the matter is remanded for the purpose of allowing the trial court to decide whether it would exercise its discretion in appellant's favor.

Masterson, J.

We concur: Ortega, Acting P.J.  
Dunn, J. (Assigned)

B101320      People                                  (Not for Publication)  
v.  
Vasquez, et al

The judgments are affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Dunn, J. (Assigned)

## DIVISION ONE (Continued)

B102560 People (Not for Publication)  
v.  
Carrasco

The judgment is modified by striking the three-year term for the weapon use enhancement in count 1 (Pen. Code, § 12022, subd. (b)) and imposing in its place a one-year term, and by staying the two-year eight-month consecutive term imposed in count 3 (Pen. Code, § 459), for a total sentence of 24 years and 8 months. The court is directed to amend the abstract of judgment accordingly and to forward it to the Department of Corrections. As so modified, the judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B103270 People (Not for Publication)  
v.  
Welch

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B105807 People (Not for Publication)  
v.  
Marin

The judgment is modified by striking the two one-year enhancements for counts 2 and 4, for a total sentence of five years and eight months. The court is ordered to modify the abstract of judgment accordingly. As modified, the judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

October 28, 1997-Continued

## DIVISION ONE (Continued)

B107074 People (Not for Publication)  
v.  
Simon

The judgment is affirmed and the matter is remanded for the court to exercise its discretion whether to order a 90-day diagnostic evaluation pursuant to Penal Code section 1203.03, and, if necessary, for resentencing.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B103775 People v. Davenport (Not for Publication)

The judgment is affirmed.

Fukuto, J.

We concur:   Boren, P.J.  
                      Nott, J.

## DIVISION THREE

B104261 People (Certified for Publication)  
v.  
Fox

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

October 28, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

[illegible]

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B102828      Rancho Foods, Inc.      (Not for Publication)  
v.  
Eddie Romero aka Eduardo Romero, et al.

The judgment is affirmed. Costs on appeal in favor of respondents.

Kitching, Acting P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

DIVISION THREE (Continued)

B109150      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Bernard R.

The order of legal guardianship is affirmed.

Kitching, Acting P.J.

We concur:   Aldrich, J.  
                 Aranda, J. (Assigned)

B097325      Christine Sailes    (Not for Publication)  
                 v.  
                 Virgella Smith

The order appointing Virgella Smith as conservator of the person and estate of Geneva Burkhalter Johnson is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                 Aranda, J. (Assigned)

B108998      People  
                 v.  
                 Alfred Donald Cigar

Filed order modifying opinion. (No change in the judgment.)

DIVISION FOUR

B105258      L.A. Family Housing Corp.                              (Not for Publication)  
                 v.  
                 Chipsoft Inc.

The judgment is affirmed. Respondent is to have its costs on appeal.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                 Hastings, J.

## DIVISION FOUR (Continued)

B112941      Chong      (Certified for Publication)  
v.  
S.C.L.A.  
HBZ Finance Limited

Let a writ of mandate issue directing the trial court to stay the proceedings.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B103480 People  
v.  
Levine

Filed order denying petition for rehearing.

DIVISION FIVE

B095849 Capitol Steel Fabricators, Inc. (Certified for Partial Publication)  
v.  
Mega Construction Co. Inc. et al.

The judgment is reversed.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

DIVISION FIVE (Continued)

B103769      Floydell Downs      (Certified for Publication)

v.  
The Department of Water and Power

The judgment is reversed.

Grignon, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

B113567      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Desmond S.

The judgment is affirmed.

Grignon, J.

We concur:    Turner, P.J.  
                  Jackson, J. (Assigned)

B099054      Howard C. Morrow      (Not for Publication)

v.  
Torrance Bank et al.

The judgment is reversed.

Turner, P.J.

We concur:    Grignon, J.  
                  Godoy Perez, J.

October 28, 1997-Continued

## DIVISION FIVE (Continued)

B103038 People (Not for Publication)

V.

Billy Ray Mallard

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.

Godoy Perez, J.

DIVISION SIX

B110895 People (Not for Publication)

V.

McNinch

The judgment is affirmed.

Stone, P.J.

We concur:    Gilbert, J.

Yegan, J.

B107613 People (Not for Publication)

V.

## Brokenrope

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.

Yegan, J.



October 28, 1997-Continued

DIVISION SIX (Continued)

B107404 People (Not for Publication)  
v.  
Nunes

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B104216 People (Not for Publication)  
v.  
Robinson

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The judgment is affirmed.

Coffee, J.

We concur:   Stone, P.J.  
                      Yegan, J.

B104356 People (Not for Publication)  
v.  
Dunn

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

October 28, 1997-Continued

## DIVISION SEVEN

B104481 People (Not for Publication)  
v.  
Hughes

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B098599 People (Certified for Partial Publication)  
v.  
Vong

Defendant's conviction is affirmed. The case is remanded to the trial court for hearing on a motion to dismiss one or more of the prior convictions alleged for the purpose of sentence enhancement under the "Three Strikes" law. If the motion to dismiss a "strike" is granted, then the court shall resentence and impose such new and modified sentence as is appropriate with the prior conviction dismissed. If the motion to dismiss a "strike" is denied, then the sentence previously imposed shall remain in force.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.